

# **EXHIBIT 1**

**“New Declaration”**

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence, including listed enclosures is being electronically transmitted in Portable Document Format (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office's Patent Electronic Business Center on:

Dated: April 2, 2009  
Signed: Jennifer Book

PATENT  
Attorney Docket No.: 061818-5002-US04  
Client Ref. No.: 98-207-5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

NICHOLAS L. ABBOTT, et al.

Application No.: 10/044,899

Filed: January 9, 2002

For: OPTICAL AMPLIFICATION OF  
MOLECULAR INTERACTIONS USING  
LIQUID CRYSTALS

Customer No.: 43850

Confirmation No.: 3817

Examiner: Lundgren, Jeffrey S.

Technology Center/Art Unit: 1639

DECLARATION OF NICHOLAS L.  
ABBOTT, JUSTIN J. SKAIFE, VINAY K.  
GUPTA, TIMOTHY B. DUBROVSKY  
AND RAHUL SHAH

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

(1) We, Nicholas L. Abbott, Justin J. Skaife, Vinay K. Gupta, Timothy B. Dubrovsky and Rahul Shah declare as follows:

(2) That we are the named and true inventors in the above-referenced patent application and that we are co-inventors of the subject matter disclosed and claimed in said application, and the only inventors thereof.

(3) We understand that the Examiner rejected claims 144, 145 and 148-154 of the application under 35 U.S.C. § 102(a) as anticipated by Gupta *et al.* (1998). We understand "Gupta *et al.*" to refer to an article entitled "Optical Amplification of Ligand-receptor Binding Using Liquid Crystals," *Science* 279:2077 (1998). We make this declaration to present facts

showing that Gupta *et al.* is the disclosure of persons named as inventors of the above-captioned application, and not the disclosure of others.

(4) That we, Nicholas L. Abbott, Justin J. Skaife, Vinay K. Gupta, and Timothy B. Dubrovsky are co-authors of the article entitled "Optical Amplification of Ligand-Receptor Binding Using Liquid Crystals," *Science* 279:2077 (1998).

(5) That the above-referenced application discloses subject matter in addition to the subject matter disclosed in Gupta *et al.*

(6) That the contribution of Rahul Shah to the present invention, resides in material that is not disclosed in Gupta *et al.* and that Rahul Shah did make an inventive contribution to the subject matter disclosed and claimed in the above-referenced application and, thus, he is a co-inventor of said subject matter.

(7) We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: MARCH 19, 2009 NL Abbott  
Nicholas L. Abbott

Dated: \_\_\_\_\_  
Justin J. Skaife

Dated: \_\_\_\_\_  
Vinay K. Gupta

Dated: \_\_\_\_\_  
Timothy B. Dubrovsky

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Dated: \_\_\_\_\_

Nicholas L. Abbott

Dated: 3.3.9

Justin J. Skaife

Dated: \_\_\_\_\_

Vinay K. Gupta

Dated: \_\_\_\_\_

Timothy B. Dubrovsky

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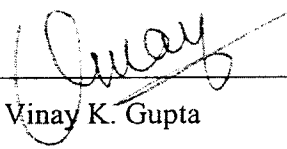
Dated: \_\_\_\_\_

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Nicholas L. Abbott

Dated: \_\_\_\_\_

\_\_\_\_\_  
Justin J. Skaife

Dated: 03/11/04

  
\_\_\_\_\_  
Vinay K. Gupta

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy B. Dubrovsky

ABBOTT et al.  
Application No.: 10/044,899  
Page 2

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Nicholas L. Abbott

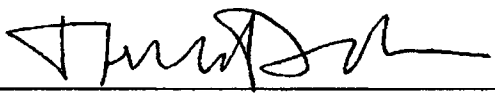
Dated: \_\_\_\_\_

\_\_\_\_\_  
Justin J. Skaife

Dated: \_\_\_\_\_

\_\_\_\_\_  
Vinay K. Gupta

Dated: 03/01/2009

  
\_\_\_\_\_  
Timothy B. Dubrovsky

Dated: \_\_\_\_\_

\_\_\_\_\_  
Rahul Shah

MORGAN, LEWIS & BOCKIUS LLP

One Market, Spear Street Tower  
San Francisco, California 94105  
Tel: 415-442-1000  
Fax: 415-442-1001

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